

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.13953 of 2019
and W.M.P.No.14004 of 2019

1.V.Selvakumar
2.D.Mohan
3.Navakanni Chandra
4.Helan Bethisa .. Petitioners

/versus/

1.The Commissioner for Land Administration,
Government of Tamil Nadu,
Land Administration Department,
Ezhilagam, Chennai.
2.The District Collector,
Collectorate Complex,
Vengikkal, Tiruvannamalai.
3.The District Revenue Officer,
O/o.DRO, Collectorate Complex,
Vengikkal, Tiruvannamalai. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 31.12.2018, requesting to deposit the balance award amount of Rs.27,27,393/- along with subsequent interest in LAOP No.63 of 1988 on the file of the Subordinate Court, Tiruvannamalai.

For petitioners : Mr.V.Prakash Babu
For Respondents : Mr.D.Raja
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a direction to the respondents to consider the petitioners' representation dated 31.12.2018, requesting to deposit the balance award amount of Rs.27,27,393/- along with

subsequent interest in LAOP No.63 of 1988 on the file of the Subordinate Court, Tiruvannamalai.

2. Pursuant to filing the writ petition, the learned Additional Government Pleader filed counter wherein, it is contended that the petitioner is entitled only for a sum of Rs.7,80,520/- and the said amount has been deposited by way of cheque dated 31.07.2019.

3. Whereas, the petitioner herein contends that the respondent is liable to pay a sum of Rs.27,27,393/- as compensation, for which he has already filed an Execution Petition before the Sub Court, Tiruvannamalai in E.P.No.199 of 2013, in which the respondent has not even filed counter or paid the money. Hence, he was forced to file a writ petition and in the writ petition for the first time they have come out with a new plea that the petitioner is entitled only for Rs.7,80,520/- which alleged to have deposited on 31.07.2019 subsequent to filing of the writ petition.

4. The learned counsel for the petitioner would also submit a memo of calculation, how he is entitled for Rs.35 lakhs as on date and pray that money is liable to be paid as compensation.

5. pursuant to the EP, the quantum of liability is disputed by the respondent. Unfortunately not in the Execution Petition but in the writ petition. If at all the respondent has any dispute regarding amount claimed by the petitioner, they should agitate before the Execution Court. Even after pendency of the Execution proceedings for more than six years, the respondent has not paid a single pie in the EP filed based on the decree passed on 27.07.2007. If the respondent failed to pay the EP amount or fail to convince the Execution Court regarding the decree amount, the execution Court is at liberty to proceed further the EP and take steps to recover the decree amount as early as possible not later than eight weeks from today.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Commissioner for Land Administration,
Government of Tamil Nadu,
Land Administration Department,
Ezhilagam, Chennai.
- 2.The District Collector,
Collectorate Complex,
Vengikkal, Tiruvannamalai.
- 3.The District Revenue Officer,
O/o.DRO, Collectorate Complex,
Vengikkal, Tiruvannamalai.

+1cc to Mr.V.Prakash Babu , Advocate SR.No. 70001

+1 cc to Government Pleader Sr.No. 70833

W.P.No.13953 of 2019
and W.M.P.No.14004 of 2019

A.SK(17/09/2019)